



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: April 24, 2001
Comment Period Ends: May 25, 2001
File Number: 199901415
In Reply Refer To: Brian E. Valiton
Or by e-mail: Brian.E.Valiton@usace.army.mil

Mr. Alfred (Red) Jerome, d/b/a Cozy Cove Marina, 2 Elm Avenue, Fairhaven, Massachusetts, 02719, has requested a Corps of Engineers permit, under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, to retain and maintain existing unauthorized structures and fill, including existing riprap and a concrete boat ramp. There were some existing pile-anchored floating docks, accommodating 24 vessels, in place prior to 1970 which are permitted. The remainder, accommodating another 52 vessels (for a total of 76), are unauthorized and are the subject of this application as well as a permanently moored floating houseboat moored at the marina. The existing unauthorized riprap consists of approx. 424 cu. yds of large stone placed on approx. 3923 sq. ft. of submerged habitat after 1972. The unauthorized concrete boat ramp consists of approx. 45 cu. yds. of concrete slab and stone base placed on a submerged aquatic area of approx. 585 sq. ft. The structures and fill are in Fairhaven Harbor, Fairhaven, Massachusetts, and are shown on the attached drawings.

The property is at UTM coordinates N 4611910.00 and E 0340910.00, Zone 19, located on the USGS New Bedford North, Mass. quadrangle sheet. Based on information provided, the District Engineer has made a preliminary determination that direct, indirect and cumulative adverse effects of this action to Essential Fisheries Habitat will be minor.

In order to properly evaluate the proposal, we are seeking public comment regarding the impacts of allowing the applicant to retain and maintain these structures and fill. We must determine whether or under what circumstances these structures and fill should be permitted. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Mr. Brian E. Valiton at (978) 318-8166 or use our toll free number (800) 362-4367 if calling from within Massachusetts or (800) 343-4789 if calling from outside of Massachusetts.

Any person may be request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments, when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

Karen Kirk Adams
Chief, Permits & Enforcement Branch
Regulatory Division

CONTINUED ON PAGE 2

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are : conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- () Permit, License or Assent from the local Harbormaster.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Permit, License or Assent from the State of Massachusetts.

The State of Massachusetts has an approved Coastal Zone Management Program. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Division, 696 Virginia Road, Concord, MA 01742-2751.

NAME:
ADDRESS: